

## Surface Mining Reclamation and Enforcement, Interior

## § 947.773

### § 947.773 Requirements for permits and permit processing.

(a) Part 773 of this chapter, *Requirements for Permits and Permit Processing*, shall apply to any person who applies for a permit for surface coal mining and reclamation operations.

(b) In addition to the requirements of part 773, the following permit application review procedures shall apply:

(1) Any person applying for a permit shall submit five copies of the application to the Office.

(2) The Office shall review an application for administrative completeness and acceptability for further review and shall notify the applicant in writing of the findings. The Office may:

(i) Reject a flagrantly deficient application, notifying the application of the findings;

(ii) Request additional information required for completeness stating specifically what information must be supplied and negotiate the date by which the information must be submitted; or

(iii) Judge the application administratively complete and acceptable for further review.

(3) Should the applicant not submit the information as required by § 947.773(b)(2)(ii) by the specified date, the Office may reject the application. When the applicant submits the re-

quired information by the specified date, the Office shall review it and advise the applicant concerning its acceptability.

(4) When the applicant is judged administratively complete, the applicant shall be advised by the Office to file the public notice required by § 773.6 of this chapter.

(5) A representative of the Office shall visit the proposed permit area to determine whether the operation and reclamation plans are consistent with actual site conditions. The applicant will be notified in advance of the time of the visit. At the time of the visit, the applicant shall have the locations of the proposed permit boundaries, top-soil storage areas, sediment control structures, roads, and other significant features contained in the application marked by flags.

(c) In addition to the information required by subchapter G of this chapter, the Office may require an applicant to submit supplementary information to ensure compliance with applicable Federal laws and regulations other than the Act.

(d) The Secretary shall coordinate, to the extent practicable, his responsibilities under the following Federal laws with the relevant Washington State laws to avoid duplication:

Federal law	Washington law
(1) Clean Water Act, as amended 33 U.S.C. 1251 <i>et seq.</i> .....	Water Pollution Control Act, Chapter 90.48 RCW
(2) Clean Air Act, as amended 42 U.S.C. 7401 <i>et seq.</i> .....	Washington Clean Air Act, Chapter 70.94 RCW.
(3) Resource Conservation and Recovery Act, 42 U.S.C. 3251	Solid Waste Management, Chapter 70.95 RCW: Hazardous Waste Disposal Act, Chapter 70.105 RCW.
(4) National Historic Preservation Act, RCW, 16 U.S.C. 470 <i>et seq.</i>	Indian Graves and Records, Chapter 27.44.
(5) Archeological and Historic Preservation Act, 16 U.S.C. 469 <i>et seq.</i>	Archeological Sites and Resources, Chapter 27.53 RCW, Office of Archeology and Historic Preservation, Chapter 43.51A, RCW.
(6) National Environmental Policy Act 42 U.S.C. 4321 <i>et seq.</i> .....	State Environmental Policy Act, Chapter 43.21C RCW.
(7) Coastal Zone Management Act 16 U.S.C. 1451, 1453–1464	Shoreline Management Act, Chapter 90.58, RCW.
(8) Section 208 of the Clean Water Act, as amended, 33 U.S.C. 1251 <i>et seq.</i>	Water Pollution Control Act, Chapter 90.48 RCW: Washington Forest Practices Act, Chapter 76.09 RCW.
(9) Endangered Species Act, 16 U.S.C. 1531 <i>et seq.</i> .....	Natural Area Preserves Act (Plants), Chapter 79.70, RCW: Department of Game, Chapter 43.17 RCW: Game Commission, Chapter 77.08, RCW.
(10) Fish and Wildlife Coordination Act 16 U.S.C. 661–667 .....	Water Resources Act of 1971, Chapter 90.54 RCW: Minimum Water Flows and Levels, Chapter 90.22 RCW.
(11) Noise Control Act, 42 U.S.C. 4903 .....	Noise Control Act of 1974, Chapter 70.107 RCW.
(12) Bald Eagle Protection Act 16 U.S.C. 668–668(d).	

(e) The Secretary shall coordinate the SMCRA permit with appropriate State and regional or local agencies to

the extent possible, to avoid duplication with the following state and regional or local regulations:

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(1) Department of Ecology:

Surface Water Rights Permit, RCW 90.03.250  
Dam Safety Approval, RCW 90.03.350  
Reservoir Permit, RCW 90.03.370  
Approval of Change of Place or Purpose of  
Use (water) RCW 90.03.380  
Ground Water Permit, RCW 90.44.050  
New Source Construction Approval, RCW  
79.94.152  
Burning Permit, RCW 70.94.650  
Flood Control Zone Permit, RCW 86.16.080  
Waste Discharge Permit, RCW 90.48.180  
National Pollution Discharge Elimination  
System (NPDES) Permit, RCW 90.48  
Approval of Change of Point of Diversion,  
RCW 90.03.380  
Sewage Facilities Approval, RCW 90.48.110  
Water Quality Certification, RCW 90.48.160

(2) Department of Natural Resources:

Burning Permit, RCW 77.04.150 & .170  
Dumping Permit, RCW 76.04.242  
Operating Permit for Machinery, RCW  
76.04.275  
Cutting Permit, RCW 76.08.030  
Forest Practices, RCW 76.09.060  
Right of Way Clearing, RCW 76.04.310  
Drilling Permit, RCW 78.52.120

(3) Regional Air Pollution Control  
Agencies:

New Source Construction Approval (RCW  
70.94.152)  
Burning Permit, RCW 70.94.650

(4) Department of Fisheries:

Hydraulic Permit, RCW 75.20

(5) Department of Game:

Hydraulic Permit, RCW 75.20.100

(6) Department of Social Health  
Services:

Public Sewage, WAC 248.92  
Public Water Supply, WAC 248.54

(7) Department of Labor and Indus-  
tries:

Explosive license, RCW 70.74.135  
Blaster's license, WAC 296.52.040  
Purchaser's license, WAC 296.52.220  
Storage Magazine license, WAC 296.52.170

(8) Cities and Counties:

New Source Construction Approval. RCW  
70.94.152  
Burning Permit, RCW 79.94.650  
Shoreline Substantial Development Permit,  
RCW 90.58.140  
Zoning and Building Permits, Local Ordi-  
nances

(f) Where applicable, no person shall  
conduct coal exploration operations

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which result in the removal of more  
than 250 tons in one location or surface  
coal mining and reclamation oper-  
ations without first obtaining permits  
required by the State of Washington.

(g) The Secretary shall provide a  
copy of the decision to grant or deny a  
permit application to the Washington  
Department of Natural Resources, the  
Department of Ecology and to the  
County Department of Planning, if  
any, in which the operation is located.

[52 FR 13816, Apr. 24, 1987, as amended at 65  
FR 79672, Dec. 19, 2000]

**§ 947.774 Revision; renewal; and trans-  
fer, assignment, or sale of permit  
rights.**

(a) Part 774 of this chapter, *Revision;  
Renewal; and Transfer, Assignment, or  
Sale of Permit Rights*, shall apply to any  
such actions involving surface coal  
mining and reclamation operations  
permits.

(b) Any revision to the approved per-  
mit will be subject to review and ap-  
proval by OSMRE.

(1) Significant revisions shall be  
processed as if they are new applica-  
tions in accordance with the public no-  
tice and hearing provisions of §§ 773.6,  
773.19(b) (1) and (2), and 778.21 and of  
part 775.

(2) OSMRE shall make every effort to  
approve or disapprove an application  
for permit revision within 60 days of re-  
ceipt or such longer time as may be  
reasonable under the circumstances. If  
additional time is needed, OSMRE  
shall notify the applicant that the ap-  
plication is being reviewed, but that  
more time is necessary to complete  
such review, setting forth the reasons  
and the additional time that is needed.

(c) In addition to the requirements of  
part 774 of this chapter, any person  
having an interest which is or may be  
adversely affected by a decision on the  
transfer, assignment, or sale of permit  
rights, including an official of any Fed-  
eral, State, or local government agen-  
cy, may submit written comments on  
the application to the Office within  
thirty days of either the publication of  
the newspaper advertisement required